

REMARKS

Status of the Claims

Claims 1 and 4-10 are pending. Claims 4-8 are withdrawn. Claims 2-3 were previously canceled. Claim 4-8 and 10 are presently canceled. Claim 1 is amended, according to the Examiner's suggestion, to specify that the mutant strain of the described microorganism has the ability to degrade urethane bonds. Claim 1 is further amended to indicate that the microorganism is *Rhodococcus equi* strain Accession No. DSM 16175. Support for this amendment is found on page 6 in the specification as originally filed and in the enclosed copy of the Receipt for Original Deposit with the International Depositary Authority, DSMZ-Deutsch Sammlung Von Mikroorganismen und Zellkulturen GmbH. As indicated in the receipt, TB-60, *i.e.*, the microorganism specified in claim 1, has been assigned Accession Number DSM 16175. Reconsideration is respectfully requested.

Substance of the Interview

Applicants and Applicants' representatives thank the Examiner for extending the courtesy of an interview on January 5, 2009. The substance of the interview is substantially as reflected in the Interview Summary of January 9, 2009. Briefly, during the interview, all issues barring allowance of the present claims were discussed. During the interview, the Examiner stated the application may be allowable providing that the non-elected claims are canceled. In addition, the Examiner indicated that claims 1, 9, and 10 should be amended to indicate the Accession number of the specified microorganism. The Examiner further stated that claim 1 should be amended to indicate that the mutant strain is able to degrade urethane.


In order to expedite prosecution, withdrawn claims 4-8 are canceled and claim 1 is amended according to the Examiner's recommendation. Applicants understand from the Advisory Action issued on December 18, 2008, the rejection of pending claims 1 and 9 under 35 U.S.C. § 102(b) is withdrawn. The rejection of claim 10 under 35 U.S.C. § 112, second paragraph, as described in the Final Office Action of August 8, 2008, is now moot due to the cancellation of claim 10. Based upon the foregoing, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Linda T. Parker, Reg. No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: **JAN 22 2009**

Respectfully submitted,

By 

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Attachments: Receipt of an Original Deposit

INTERNATIONALES FORMBLATT

Japan Science and Technology Agency
4-1-8, Honcho, Kawaguchi-shi
Saitama 332-0012

EMPFANGSBESTÄTIGUNG BEI ERSTHINTERLEGUNG,
ausgestellt gemäß Regel 7.1 von der unten angegebenen
INTERNATIONALEN HINTERLEGUNGSSTELLE

JAPAN

I. KENNZEICHNUNG DES MIKROORGANISMUS	
Vom HINTERLEGER zugeteiltes Bezugszeichen: TB-60	Von der INTERNATIONALEN HINTERLEGUNGSSTELLE zugeteilte EINGANGSNUMMER: DSM 16175
II. WISSENSCHAFTLICHE BESCHREIBUNG UND/ODER VORGESCHLAGENE TAXONOMISCHE BEZEICHNUNG	
<p>Mit dem unter I. bezeichneten Mikroorganismus wurde</p> <p><input checked="" type="checkbox"/> eine wissenschaftliche Beschreibung <input checked="" type="checkbox"/> eine vorgeschlagene taxonomische Bezeichnung</p> <p>eingereicht. (Zutreffendes ankreuzen).</p>	
III. EINGANG UND ANNAHME	
<p>Diese internationale Hinterlegungsstelle nimmt den unter I bezeichneten Mikroorganismus an, der bei ihr am 2004-01-24 (Datum der Erst- hinterlegung)¹ eingegangen ist.</p>	
IV. EINGANG DES ANTRAGS AUF UMWANDLUNG	
<p>Der unter I bezeichnete Mikroorganismus ist bei dieser Internationalen Hinterlegungsstelle am _____ eingegangen (Datum der Erst- hinterlegung) und ein Antrag auf Umwandlung dieser Ersthinterlegung in eine Hinterlegung gemäß Budapest Vertrag ist am _____ eingegangen (Datum des Eingangs des Antrags auf Umwandlung).</p>	
V. INTERNATIONALE HINTERLEGUNGSSTELLE	
<p>Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH</p> <p>Anschrift: Mascheroder Weg 1b D-38124 Braunschweig</p>	<p>Unterschrift(en) der zur Vertretung der internationalen Hinterlegungsstelle befugten Person(en) oder des (der) von ihr ermächtigten Bediensteten:</p> <p></p> <p>Datum: 2004-10-28</p>

¹ Falls Regel 6.4 Buchstabe d zutrifft, ist dies der Zeitpunkt, zu dem der Status einer internationalen Hinterlegungsstelle erworben worden ist.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM


Japan Science and Technology Agency

4-1-8, Honcho, Kawaguchi-shi

Saitama 332-0012

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

JAPAN

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: TB-60	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM 16175
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: (<input checked="" type="checkbox"/>) a scientific description (<input checked="" type="checkbox"/>) a proposed taxonomic designation (Mark with a cross where applicable).	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 2004-01-24 (Date of the original deposit) ¹ .	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I above was received by this International Depositary Authority on _____ (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: 2004-10-28

¹ Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.

INTERNATIONALES FORMBLATT


Japan Science and Technology Agency

4-1-8, Honcho, Kawaguchi-shi

Saitama 332-0012

JAPAN

LEBENSFÄHIGKEITSBESCHEINIGUNG
ausgestellt gemäß Regel 10.2 von der unten angegebenen
INTERNATIONALEN HINTERLEGUNGSSTELLE

I. HINTERLEGER		II. KENNZEICHNUNG DES MIKROORGANISMUS	
Name: Japan Science and Technology Agency 4-1-8, Honcho, Kawaguchi-shi Saitama 332-0012 Anschrift: JAPAN		Von der INTERNATIONALEN HINTERLEGUNGSSTELLE zugeteilte EINGANGSNUMMER: DSM 16175 Datum der Hinterlegung oder Weiterleitung ¹ : 2004-01-24	
III. LEBENSFÄHIGKEITSBESCHEINIGUNG			
Die Lebensfähigkeit des unter II genannten Mikroorganismus ist am 2004-01-26 ² geprüft worden. Zu diesem Zeitpunkt war der Mikroorganismus (x) ³ lebensfähig () ³ nicht mehr lebensfähig			
IV. BEDINGUNGEN, UNTER DENEN DIE LEBENSFÄHIGKEITSPRÜFUNG DURCHGEFÜHRT WORDEN IST⁴			
V. INTERNATIONALE HINTERLEGUNGSSTELLE			
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Anschrift: Mascheroder Weg 1b D-38124 Braunschweig		Unterschrift(en) der zur Vertretung der internationalen Hinterlegungsstelle befugten Person(en) oder des (der) von ihr ermächtigten Bediensteten:  Datum: 2004-10-28	

¹ Angabe des Datums der Ersthinterlegung. Wenn eine erneute Hinterlegung oder eine Weiterleitung vorgenommen worden ist, Angabe des Datums der jeweils letzten erneuten Hinterlegung oder Weiterleitung.

² In den in Regel 10.2 Buchstabe a Ziffer ii und iii vorgesehenen Fällen Angabe der letzten Lebensfähigkeitsprüfung.

³ Zutreffendes ankreuzen.

⁴ Ausfüllen, wenn die Angaben beantragt worden sind und wenn die Ergebnisse der Prüfung negativ waren.

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE



INTERNATIONAL FORM

Japan Science and Technology Agency
4-1-8, Honcho, Kawaguchi-shi
Saitama 332-0012

JAPAN

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. DEPOSITOR		II. IDENTIFICATION OF THE MICROORGANISM	
Name: Japan Science and Technology Agency 4-1-8, Honcho, Kawaguchi-shi Address: Saitama 332-0012 JAPAN		Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM 16175 Date of the deposit or the transfer ¹ : 2004-01-24	
III. VIABILITY STATEMENT			
The viability of the microorganism identified under II above was tested on 2004-01-26 ² . On that date, the said microorganism was (X) ³ viable () ³ no longer viable			
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED⁴			
V. INTERNATIONAL DEPOSITARY AUTHORITY			
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig		Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: 2004-10-28	

¹ Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).

² In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.

³ Mark with a cross the applicable box.

⁴ Fill in if the information has been requested and if the results of the test were negative.